

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAROL NOE,

Docket No.: 19-CV-1455

*Plaintiff,*

*-against-*

**NOTICE OF MOTION**

RAY REALTY, ZAVISA ZECEVIC, et al.

*Defendants.*

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**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Stephanie S. Lim, Esq. dated 19<sup>th</sup> day of April 2024, the Memorandum of Law dated 19<sup>th</sup> day of April 2024, the Affirmations of Labe Twerski dated the 19<sup>th</sup> day of April 2024, and Sam Becker dated the 19<sup>th</sup> day of April, 2024, and all of the pleadings and proceedings heretofore had herein, that the undersigned will move before this Court before the Honorable Jennifer H. Rearden at the courthouse located at 500 Pearl Street, New York, New York, on a date and time to be determined by the Court for an Order,

- a) Pursuant to F.R.C.P. §6(b) extending Defendants Labe Twerski, Sam Becker, 41-25 44<sup>th</sup> Street Owners Corp., and Daejan (N.Y.) Limited s/h/a Daejan NY Limited (collectively “Moving Defendants”) time to answer or otherwise respond to the Amended Complaint (ECF 95) and, upon granting of the extension,
- b) pursuant to F.R.C.P. §§ 12(b)(6), 8(a) and 9(b), dismissing the Plaintiff’s Amended Complaint in its entirety as against Moving Defendants in this action,
- c) together with such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that any papers in opposition to this motion shall be served in accordance with local Civil Rule 6.1(b).

Dated: April 19, 2024  
Queens, New York

Yours etc.,



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*Attorneys for Defendants*

*Labe Twerski,  
Sam Becker,  
41-25 44<sup>th</sup> Street "Owners" Corp., and  
Daejan NY Limited*

The application for an extension of time nunc pro tunc to respond to the operative complaint is GRANTED.

The moving Defendants are directed to refile their motion to dismiss and supporting papers as a separate docket entry.

The Clerk of Court is respectfully requested to terminate ECF 195.

Dated: April 19, 2024  
New York, NY

SO ORDERED  
  
ROBYN F. TARNOFSKY  
UNITED STATES MAGISTRATE JUDGE